

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL ALLAN CLARK,

Petitioner,

vs.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:11-cv-00585-KJD-PAL

ORDER

The court granted in part respondents' motion to dismiss (#46), and the court directed petitioner to file a motion that indicated what he wanted to do with the unexhausted part of ground 2 of the amended petition (#35). Order (#57). Petitioner has submitted a motion for partial dismissal of unexhausted ground part of ground two of amended petition (#58), with an accompanying declaration signed by petitioner himself (#59). Respondents do not oppose the motion (#60). The court grants the motion.

In the motion for partial dismissal, petitioner has rewritten ground 2 to remove the unexhausted parts of the ground; that rewriting shall become the operative version of ground 2.

IT IS THEREFORE ORDERED that petitioner's motion for partial dismissal of unexhausted ground part of ground two of amended petition (#58) is **GRANTED**.

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1 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date
2 of entry of this order to file and serve an answer, which shall comply with Rule 5 of the Rules
3 Governing Section 2254 Cases in the United States District Courts. Petitioner shall have forty-five
4 (45) days from the date on which the answer is served to file a reply.

5 DATED: May 16, 2014



6 KENT J. DAWSON
7 United States District Judge
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